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EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2627

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12/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,645

Applicant(s)

BLACQUIERE ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Remarks filed on 8/13/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Remarks

1. Applicant's Remarks filed on August 13, 2008 have been fully considered but it is not persuasive. With respect to Claim 1, Applicant states that the prior art of Sasaki et al. (US 7,024,534) does not teach the limitation "the control means are adapted to mark a part of the second file system data in the defect table and to record a part of the second file system data in the part of the medium marked as unusable" (page 12 of the Remarks, lines 14-17). Accordingly, as illustrated in Fig. 21, the prior art of Sasaki teaches a defect area management operation (general application as in Applicant's Claim 1) having its own defect management file structure (second file system data as in Applicant's Claim 1). When there is a defect area 1053 (Fig. 21; Fig. 17 illustrates a plurality of defect are #1-#4) in Sasaki's optical disc (column 2, lines 48 and 49), the defect management operation detects the defective area 1053 by read/write test data (second file system data as in Applicant's Claim 1) on it and decides whether it is usable or not. In other words, when an area is defected, it is not usable as a result of determining the test data read/write by the defective management application. Therefore, the test data written in the defective area satisfies Applicant's required limitation "to

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record a part of the second file system data in the part of the medium marked as unusable".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 1-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sasaki et al. (U.S. Patent 7,024,534).

4. Sasaki teaches a recording apparatus having all of the elements, means and structures as recited in claims 1-9. For example, Sasaki teaches the following:

(a) with respect to Claim 1, the recording apparatus (Fig. 2) for recording digital information signals on a removable rewritable disc-like recording medium 235 (Fig. 2; column 9, last 5 lines), the medium 235 (DVD-RAM as illustrated in Fig. 21) comprising a user area 102 (Fig. 21) for recording user data (AV files) represented by the digital information signals and for recording first file system data 1001 (Fig. 21; AV

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directory is the first file system) comprising directory and file entries pointing to the user data (AV files) according to rules of a first file system, a spare area 1005 (Fig. 21) outside the user area 1002 comprising replacement areas 1052 for defect management, a table area 1051 outside the user area 1002 for recording a defect table comprising a list of addresses 1045, 1046 of the replacement areas and defect areas in the user area (Fig. 21), a general application area 1003 (defective management; column 2, lines 21-28) outside the user area 1002 and outside the spare area 1005 for recording second file system data (test data) comprising directory and file entries pointing to the user data 1002 according to rules of a second file system (Fig. 21; bad sectors in the user area 1002 are verified by the defect management operation's test data), the recording apparatus comprising input means 223 (Fig. 22; internal I/O bus is the input means) for receiving the digital information signals; recording means 234 for recording the digital information signals on the medium 235 (Fig. 22); reading means 234 for reading recorded digital information signals recorded on the medium 235; output means 223 (Fig. 22; internal bus is the output means) for outputting the read digital information signals; control means 231 (Fig. 22) for controlling recording the digital information signals, characterized in that the

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control means are adapted to mark a part (bad sector) of the medium 235 as unusable in the defect table (by defect management) and to record a part of the second file system data (test read/write data) in the part of the medium marked as unusable (defective sectors are detected and then marked/linked to the DMA 1004 and spare area 1005).

(b) with respect to Claim 2, the control means 231 (Fig. 22) are adapted to mark at least a part of the spare area as unusable in the defect table and to record the part of the second file system data in the at least the part of the spare area marked as unusable (defective sectors are detected and then marked/linked to the DMA 1004 and spare area 1005).

(c) with respect to Claim 3, the control means 231 are adapted to search the defect table 1051, 1052 (Fig. 21) for a replacement area (spare area) address of a replacement area comprising recorded user data, to localize (link) the replacement area 1005 according to the replacement area address (Fig. 21), to search the defect table for a free replacement area address 1046 of a free replacement area without the user data, to localize the free replacement area according to the free replacement area address, to read the recorded user data from the replacement area, to record the user data read from the replacement area in the free replacement area and to mark the

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replacement area as unusable in the defect table (Fig. 23, step S1201; column 2, lines 41-57).

(d) with respect to Claim 4, the control 231 means are adapted to mark a part of the user area 1002 as unusable (defective sectors) in the defect table and to record the part of the second file system data (test data such as 0 and 1) in the part of the user area marked as unusable (Fig. 21; the recorded test data such as 0 and 1 are defective).

(e) with respect to Claim 5, the control means 231 are adapted to search the defect table for a free replacement area address of a free replacement area without the user data, to localize the free replacement area according to the free replacement area address, to read recorded user data from the part of the user area, to record the user data read from the part of the user area in the free replacement area and to mark the part of the user area as unusable in the defect table (Fig. 23, step S1201; column 2, lines 41-57).

(f) with respect to Claim 6, the control means 231 are adapted to collect change information related to changes of the first file system data or of the second file system data and to modify the first file system data or the second file system data in dependence on the change information (defective sector management; spare areas replace defective areas for recording

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user files).

(g) with respect to Claim 7, the control means 231 are adapted to record the change information on the medium (Fig. 23).

(h) with respect to Claim 8, the control means 231 are adapted to collect status information related to changes of the defect table and to modify the second file system data in dependence on the status information (Fig. 23).

(i) with respect to Claim 9, the control means 231 are adapted to record the status information on the medium (Fig. 23).

5. Method claims 10-20 are drawn to the method of using the corresponding apparatus claimed in claims 1-9. Therefore method claims 10-20 correspond to apparatus claims 1-9 and are rejected for the same reasons of anticipation as used above. In addition, the prior art of Sasaki also teach the following:

(a) with respect to Claim 19, a computer data system comprising a computer (Fig. 22 is a computer system for read/write AV files on a DVD-RAM disk) connected to a recording apparatus for recording digital information signals on a removable rewritable disc like recording medium (Fig. 22).

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(b) with respect to Claim 20, a computer program product for recording digital information signals on a removable rewritable disc like recording medium (Fig. 22; column 30, lines 40-51).

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627

December 4, 2008

(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627